

Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of)

Amendment of Section 73.202(b))

Table of Allocations)

FM Broadcast Stations)

(Cedar Bluff, Virginia and Gary, West Virginia))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 02-316

RM-10542

To: Chief, Audio Division

**COMMENTS IN SUPPORT OF
NOTICE OF PROPOSED RULE MAKING**

Monterey Licenses, LLC ("Monterey"), the licensee of FM broadcast station WHQX(FM), Cedar Bluff, Virginia, by its undersigned attorneys and pursuant to Section 1.415 of the Commission's Rules and Regulations, hereby submits its comments ("Comments") in support of the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, DA 02-2506 (released October 4, 2002) (the "*NPRM*"), in which the Commission proposes to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by reallocating Channel 299C3 from Cedar Bluff, Virginia to Gary, West Virginia, as that community's first local service, and amending the license of WHQX(FM) to specify Gary as the station's new community of license.

Discussion

Monterey commenced this proceeding on July 24, 2002 with the filing of a petition for rule making (the "Petition") requesting that the Commission initiate a proceeding to amend the FM Table of Allotments to read as follows:

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Community	Present	Proposed
Cedar Bluff, Virginia	299C3	-----
Gary, West Virginia	-----	299C3

In connection with this reallocation, Monterey also proposed that the Commission modify WHQX(FM)'s license accordingly. Monterey noted that the proposed change in the station's community of license will comply with the Commission's technical requirements and that Gary is a community deserving of a first local service. Further, as set forth in Monterey's Petition, the proposed reallocation will result in a preferential new arrangement of allotments under established Commission priorities. The reallocation will provide the community of Gary with its first local aural transmission service without depriving Cedar Bluff of its sole local service as Station WYRV(AM) will remain licensed to the community. Moreover, no listeners will be deprived of existing service since the reallocation proposal does not involve a site change.

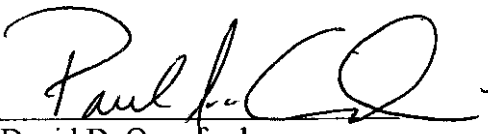
In response to Monterey's Petition, the Commission instituted the instant rule making proceeding to more fully consider Monterey's proposal. Monterey hereby incorporates by reference the Petition it previously filed in this proceeding and reiterates its expression of interest in the reallocation of Channel 299C3 from Cedar Bluff, Virginia to Gary, West Virginia and the modification of WHQX(FM)'s license to specify operation at Gary. If the proposal set forth in this proceeding is adopted, Monterey intends to file any appropriate application(s) to apply for Channel 299C3 at Gary and to construct the facilities approved by such application.

Conclusion

For the foregoing reasons, Monterey urges the Commission to adopt the *NPRM*'s proposal to reallocate Channel 299C3 from Cedar Bluff, Virginia to Gary, West Virginia and modify WHQX(FM)'s license accordingly.

Respectfully submitted,

MONTEREY LICENSES, LLC

By: 

David D. Oxenford
Paul A. Cicelski

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8000

Dated November 25, 2002